

Commissioners

MARISEL A. HERNANDEZ, *Chair*
WILLIAM J. KRESSE, *Commissioner/Secretary*
JONATHAN T. SWAIN, *Commissioner*
LANCE GOUGH, *Executive Director*



Board of Election Commissioners for the City of Chicago

Minutes of Regular Board Meeting

March 26, 2019, 9:30 a.m.

69 West Washington Street, 8th Floor Conference Room, Chicago, Illinois 60602

Board Members:

Marisel A. Hernandez, Chair
William J. Kresse, Commissioner/Secretary
Jonathan T. Swain, Commissioner

Staff:

Lance Gough, Executive Director
Charles Holiday, Assistant Executive Director
Adam W. Lasker, General Counsel
Joan T. Agnew, Deputy Counsel
LaCretia Dandridge, Manager - Human Resources
James P. Allen, Communications Director
Amanda Robledo, Acting Purchasing Agent
Bill Perez, Coordinator - Hispanic Outreach
Gary Ryczyn, Consultant
Trupti Patel
Rachel Brown, Videographer
Trish Sheehy

Guests:

Helene Gabelnick, League of Women Voters of Chicago (LWV Chicago)
C. Betty Magness, Rainbow PUSH Coalition

- I. Call to Order: The Chair called the meeting to order at 9:33 a.m.
- II. Roll Call: All members were present.
- III. Consideration of Agenda: The agenda was approved as presented.
- IV. Approval of Minutes:
 - A. Minutes of the Regular Board Meeting of February 14, 2019

Commissioner Swain moved to approve the Minutes of the February 14, 2019 Regular Board Meeting. Commissioner Kresse seconded the motion. The motion and the Minutes were approved by 3:0 vote of the Board.
 - B. Minutes of the Special Board Meeting of February 19, 2019

Commissioner Swain moved to approve the Minutes of the February 19, 2019 Special Board Meeting. Commissioner Kresse seconded the motion. The motion and the Minutes were approved by unanimous vote of the Board.

V. Executive Director's Report

Executive Director Lance Gough reported:

- We have one-hundred percent of the polling places signed up. There are 17 polling places that have changed since February. Investigators will go out the day before the election and post notices. Not all are one-hundred percent ADA (Americans with Disabilities Act) compliant, but we will be conducting the ADA survey
- Communications Director Jim Allen is sending out press releases regarding the polling place changes.
- We have already sent out mailings to the voters in the precincts where the polling places have changed since the last election.
- After this election we would like to consolidate about 500 polling places before 2020. This will have major impact on our budget, especially with new equipment and with ADA compliance.
- Today we received only 459 online Vote by Mail (VBM) requests; a very low number for the week before an election. The deadline is Thursday at 5 p.m. Mr. Gough was at the supersite at 175 W. Washington with Rev. Jackson (Operation PUSH) yesterday, and there were very few voters there at that time.
- Return on VBM: 3,625 yesterday, just over 10,000 total returned. Mr. Gough will speak with Communications Director Jim Allen about sending a reminder email to those whom we have mailed ballots, but have not returned the ballot.
- Voting was conducted for pre-trial detainees at 26th and California. A total of 434 city voters and 89 county voters applied for ballots. Under the new law, which appears likely to be enacted, those in pre-trial detention will use voting machines at the detention centers. Currently, like last Saturday, our staff had to go to all of the tiers at the jail.

A. Assistant Executive Director

Assistant Executive Director Charles Holiday reported:

- Election Supply Carriers (ESC) have yet to be delivered to the precinct polling places in seven wards.
- 300 precincts are scheduled for the day before the election for ESC deliveries.
- Currently we have 61 Standby Election Coordinators.
- There are 93 precincts with less than 3 assigned judges at this time.
- The total number voting at Early Voting sites, as of last night, was 50,571.

- 501 voted via Grace Period. Of those, 246 were new registrations and 255 were change of address.
- Early Voting at the University sites starts today. They will be open from 7 a.m. until 7 pm this week.
- Nursing Home voting will take place March 29th, March 30th and Monday April 1st. There are 88 homes participating.
- Thursday we will conduct the public test of central office equipment.
- Election Coordinators will pick-up supplies this Wednesday and Thursday.
- The “Key Judges” will pick up packets (including the Election Supply Carrier key) this Friday at 69 W. Washington or on Saturday at their designated Early Voting sites from 9 a.m. – 4 p.m.
- The Remote Site employees have been trained, and receiving station training is scheduled.

B. Communications Director

Communications Director Jim Allen reported:

- We will be providing to the media age and ward level statistics. Total Early Voting is presently higher than in February 2019, but lower than in April 2015; conversely, Vote by Mail is lower than in February 2019, but higher than 2015 April.
- Early Voting legal notices are being published in English as well as Spanish, Chinese, Hindi and Polish.
- The 8-page legal notice of polling places is going to be published and is also multi-lingual.
- We will be doing more regarding the changed polling places.

VI. Old Business

- A. Infrastructure Projects and Changes in Election Administration: we will return to discussing this after the election.
- B. Electronic Poll Books – we are currently finishing up Pre-LAT.
- C. Voting Equipment: we will return to discussing this after the election.
- D. Legislation

General Counsel Adam Lasker reported:

- Most bills that we are tracking are meandering through committees.
- Legislation which contains provisions for pre-trial detainee voting had its second reading in the Senate. Mr. Lasker is concerned about some of the items of this bill – e.g., if a detainee requested a ballot, but then refuses to vote, the refusal must be witnessed by a poll watcher/poll worker. This would require either bringing the detainee down to the polls (where he/she does not

want to go) or having the poll workers/watchers go up to tier. Mr. Lasker is concerned about the Board's liability. Further, there is the question of whether we will have to send poll watchers to the cells.

VII. New Business

- A. Amendment to contract with Arrow Messenger Service Inc. for messenger and driver services for the 2019 general and runoff elections.

Mr. Lasker explained that this is merely to memorialize the rates for election specific services that are not part of the City's contract under which we are subcontracting with Arrow.

Commissioner Swain asked for clarification: As we are "piggy-backing" on the City's contract, and our pricing is based on that agreement, why can't we just use their pricing? Mr. Lasker stated that we want to memorialize the subcontract under the City's contract.

Mr. Lasker also pointed out that we still have a vacancy in the Board's Procurement Agent position, and that we had to work off of the prior Purchasing Agent's memos that showed that we had been using the City's pricing. Arrow's owner/president Ms. Applebaum clarified how the rates were applied using City rates for the elections, but that the City does not need certain services that we require (e.g., delivery of Election Equipment or driving Election Day Investigators). Mr. Lasker recommends that the subcontract, rates and election services be memorialized. He stated that it would be best for the Board to include the rates that are not under the City's sister-agency agreement. Mr. Lasker wants to follow best practices with such subcontracts.

Commissioner Swain moved to approve the amendment to the contract with Arrow Messenger Service, Inc. Commissioner Kresse seconded the motion. The motion and amendment were approved by unanimous vote of the Board.

- B. Amendment to contract with Lake County Press Inc. for ballot printing services for the 2019 general and runoff elections.

This matter was discussed at last meeting, but no action was taken as a change had to be made due to a miscalculation.

The original agreement was for all 3 elections, November 2018 – April 2019. The calculation adjustments are only for the two 2019 elections.

Commissioner Swain moved to approve the Amendment to the contract with Lake County Press Inc. Commissioner Kresse seconded the motion. The motion passed with a 3:0 vote of the Board.

VIII. Legal Report

General Counsel Adam Lasker reported:

- Arguments in re Acevedo vs. Cook County is scheduled for Friday March 29th in the U.S. Court of Appeals for the 7th Circuit. This case is a challenge to the countywide signature

requirement. Recently, this Board, acting as an Electoral Board, ruled on a challenge to the Citywide signature requirements; we were upheld in court in that case. Mr. Lasker does not expect any change in the countywide requirements, but is interested in what the Court has to say in this matter.

- Commissioner Swain inquired as to what are we doing about the reports of irregularities in Vote by Mail applications. Mr. Lasker responded that as a general Board practice we do not discuss such pending investigations, but we do assign additional resources and extra Investigators to those areas where we have concerns on Election Day. We are also working with our Internal Investigations Department and also with Law Enforcement agencies.
- We will have the cybersecurity monitoring desk set up at Election Central for this election, just as we had during the last election. It will be monitoring for possible infrastructure and data incursion. Mr. Gough added that we are working with the FBI and the Department of Homeland Security and that everything is in place.

IX. Financial Report: none

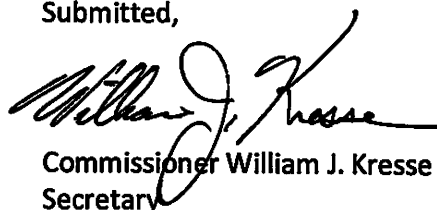
X. Public Comment: none

XI. Executive Session: Commissioner Kresse moved to enter Executive Session to discuss pending litigation. Commissioner Swain seconded the motion. The motion passed unanimously. The Board entered closed Executive Session at 9:54 a.m.

The Board, with Commissioner Swain now absent, returned from closed executive session, and open session resumed at 10:50 a.m. The Chair reported that no action was taken during executive session.

XII. Adjournment: The Chair moved to adjourn until the Special Meeting on April 2, 2019 at 7:00 a.m. Commissioner Kresse seconded the motion. The motion passed by 2:0 vote of the Board. The meeting adjourned at 10:50 a.m.

Submitted,



Commissioner William J. Kresse
Secretary